APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,762	02/11/2002	Herbert Lyvim Lacey III	56162.000334	5577

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EXAMINER
EL HADY, NABIL M

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _11 February 2002_.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-15_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-15_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _2_.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

1.   Claims 1-15 are pending in this application.

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant

Admitted prior Art, hereafter "AAPA" / Draft New Recommendation G.994.1, hereafter "Draft" in

view of Kuznicki et al. (US 5,311,516), hereafter "Kuznicki".

4.   Draft New Recommendation G.994.1, Handshake Procedures for Digital Subscriber Line

(DSL) Transceivers, is cited by the applicant in IDS paper No. 2, files 5/13/2002.

5.   As to claim 1, AAPA and Draft, both disclose the invention substantially as claimed

including a method for parsing multiple-frame protocol messages, comprising the steps of:

receiving a frame of data from a remote ATU, wherein the frame of data contains a segment of

a multi-frame protocol message (AAPA, [0007], Draft, Sec. 10.3); determining whether the data

constitutes a complete message (AAPA, [0007], Draft, Sec. 10.3); sending a continuation

message to the remote ATU if it is determined that the data does not constitute a complete

message (AAPA, [0007]; Draft, Sec. 10.3).

6.   AAPA and Draft, do not explicitly disclose the use of a data buffer to insert the

information contained within the received frame, check the completeness of the data in the data

buffer, and extract the complete data from the data buffer. However, the use of a data buffer to store frames of a segmented message is not new in the art. Kuznicki, for example, discloses the use of a data buffer to insert the information contained within the received frame, check the completeness of the data in the data buffer, and extract the complete data from the data buffer (MESSAGE BLOCK 1912, Fig. 19; and col. 18, lines 43-63). It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of AAPA/Draft and Kuznicki because Kuznicki's use of a data buffer would provide a robust communication protocol which uses message fragmentation for traffic redistribution in a communication system such as in AAPA/Draft (see, e.g. Kuznicki, col. 1, lines 24-55).

7.   As to claim 6, the claim is rejected for the same reasons as claim 1 above. In addition, AAPA/ Draft in view of Kuznicki disclose a system for parsing multiple-frame protocol messages, comprising: means for receiving a frame of data from a remote ATU, wherein the frame of data contains a segment of a multi-frame protocol message (AAPA, [0007], Draft, Sec. 10.3); means for inserting the information contained within the received frame into a data buffer (Kuznicki, MESSAGE BLOCK 1912, Fig. 19; and col. 18, lines 43-63); means for determining whether the data in the data buffer constitutes a complete message (Kuznicki, MESSAGE BLOCK 1912, Fig. 19; and col. 18, lines 43-63); means for sending a continuation message to the remote ATU if it is determined that the data does not constitute a complete message (AAPA, [0007]; Draft, Sec. 10.3); and means for extracting the complete message from the data buffer if it is determined that the data in the data buffer does constitute a complete message (Kuznicki, MESSAGE BLOCK 1912, Fig. 19; and col. 18, lines 43-63).

8.   As to claim 11, the claim is rejected for the same reasons as claims 1 and 6 above. In

addition, a computer readable medium incorporating instructions for parsing multiple-frame

protocol messages, the instructions comprising one or more instructions for performing the

above method is inherent in AAPA/Draft and Kuznicki disclosures.

9.   As to claims 2, 7, and 12, AAPA/Draft in view of Kuznicki disclose receiving a next

message frame from the remote ATU sent in response to the continuation message (AAPA,

[0007], Draft, Sec. 10.3); concatenating the information contained within the next message

frame onto the data within the data buffer (Kuznicki, col. 2, lines 4-12; and col. 18, lines 43-63);

determining whether the concatenated data in the data buffer constitutes a complete message

(Kuznicki, col. 2, lines 4-12; col. 17, lines 36-43; and col. 18, lines 43-63); sending a

continuation message to the remote ATU if it is determined that the concatenated data does not

constitute a complete message (AAPA, [0007]; Draft, Sec. 10.3); and extracting the complete

message from the data buffer if it is determined that the concatenated data in the data buffer

does constitute a complete message (Kuznicki, MESSAGE BLOCK 1912, Fig. 19; and col. 18,

lines 43-63).

10.   As to claims 3, 8, and 13, Draft discloses counting a number of parameter and

subparameter bits within the data; and matching the number of parameter and subparameter

bits to a number of delimiting bits contained within the data (inherent in Draft, Sec. 9.2.3).

11.   As to claims 4, 5, 9, 10, 14, and 15, Kuznicki discloses parsing the data buffer to

determine its completeness and for the extracting the complete message (Kuznicki, col. 2, lines

4-12; and col. 18, lines 43-63).

12.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
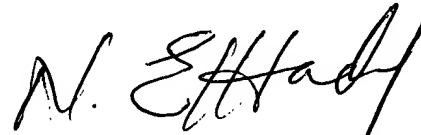
Burks et al. (US 6,453,297) ; Simmon et al. (US 5,867,688) ; Richards et al. (US 6,614,793).

13.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nabil M El-Hady whose telephone number is (703) 308-7990. The examiner can normally be reached on 9:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 13, 2004

Nabil El-Hady, Ph.D, M.B.A.
Primary Patent Examiner
Art Unit 2154